

JENNIFER LEE TAYLOR (SBN 161368)  
JTaylor@mofo.com  
STACEY M. SPRENKEL (SBN 241689)  
SSprenkel@mofo.com  
JOYCE LIOU (SBN 277720)  
JLiou@mofo.com  
AMANDA D. PHILLIPS (SBN 305614)  
APhillips@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

*Attorneys for Defendants and Counterclaimant*  
UBIQUITI NETWORKS, INC., and  
CHING-HAN TSAI

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SYNOPSYS, INC.,

Plaintiff,

v.

UBIQUITI NETWORKS, INC., UBIQUITI  
NETWORKS INTERNATIONAL LIMITED,  
CHING-HAN TSAI, and DOES 1-20,  
inclusive

Defendants.

UBIQUITI NETWORKS, INC.,

Counterclaimant,

v.

SYNOPSYS, INC.,

Counterdefendant.

Case No. 5:17-cv-00561-WHO

**DEFENDANTS UBIQUITI  
NETWORKS, INC. AND CHING-  
HAN TSAI'S MOTION FOR  
ADMINISTRATIVE RELIEF TO  
EXCEED PAGE LIMIT UNDER  
LOCAL RULE 7-11**

1 In accordance with Northern District of California Civil Local Rule 7-11, Ubiquiti  
 2 Networks, Inc. and Ching-Han Tsai (collectively, “Defendants”)<sup>1</sup> move the Court for leave to file  
 3 a brief of up to twenty (20) pages for their Reply in Support of Motion to Dismiss the Second,  
 4 Third, Fourth, Fifth, Sixth, and Seventh Claims in Plaintiff’s Amended Complaint Pursuant to  
 5 Rule 12(b)(6).

6 Although Defendants have made every attempt to present their Reply in fifteen (15) pages  
 7 or less, they have been unable to do so. Defendants moved to dismiss six of Plaintiff’s seven  
 8 claims. Many of these claims involve highly technical and multi-part statutes. For example,  
 9 Plaintiff’s Sixth Claim, a RICO Claim under 18 U.S.C. § 1962(c), requires discussions of the  
 10 elements of Defendants’ supposed racketeering enterprise, as well as four different predicate acts  
 11 alleged by Plaintiff. Plaintiff has submitted a 25-page Opposition addressing Defendants’  
 12 arguments in great detail, and Defendants are unable to respond to the various points made  
 13 therein within the permitted page limit. For the foregoing reasons, Defendants request leave to  
 14 exceed the 15-page limit for reply briefs.

15 Defendants contacted Plaintiff this morning to request that Plaintiff stipulate to a 20-page  
 16 reply brief. Plaintiff refused Defendants’ request, stating that “we see no reason why additional  
 17 pages would be needed to reply.” It then offered, “in the spirit of compromise,” to consider a  
 18 stipulation that included the following statement: “Synopsys does not believe additional pages  
 19 are needed in reply but respectfully requests that if the Court disagrees and allow [sic] Ubiquiti 5  
 20 extra pages on reply, that Synopsys be given the opportunity to submit a 5 page surreply.” (*See*  
 21 Declaration of Jennifer Lee Taylor in Support of Defendants’ Administrative Motion to Exceed  
 22 Page Limit, ¶ 2, filed herewith.)

23 There is no justification for such a request. Local Rule 7-3(d) allows “no additional  
 24 memoranda, papers or letters” without prior Court approval, with the exception of an Objection to  
 25

---

26 <sup>1</sup> Defendant Ubiquiti Networks International Limited (“UNIL”), which filed a Motion to Dismiss the  
 27 Amended Complaint for Lack of Personal Jurisdiction Pursuant to Rule 12(b)(2) (ECF. No. 35), joined in  
 28 Defendants’ Motion to Dismiss the Second, Third, Fourth, Fifth, Sixth, and Seventh Claims of Plaintiff’s Amended  
 Complaint Pursuant to Rule 12(b)(6). (*Id.*) UNIL hereby joins in this administrative motion.

1 Reply Evidence, which is appropriate only if “new evidence has been submitted in the reply.”  
 2 *See also Jordan v. Terhune*, 2009 WL 276764, at \*3 (E.D. Cal. Feb. 5, 2009), report and  
 3 recommendation adopted, 2009 WL 3042411 (E.D. Cal. Sept. 21, 2009) (“When a party has  
 4 raised new arguments or presented new evidence in a reply to an opposition, the court may permit  
 5 the other party to counter the new arguments or evidence.”). If Plaintiff feels that it has cause to  
 6 file additional papers after it has received Defendants’ Reply, it can file a motion for leave to file  
 7 a surreply at that time. *See Hill v. England*, 2005 WL 3031136, at \*1 (E.D.Cal.2005) (finding  
 8 that “a sur-reply is not authorized by . . . the Federal Rules of Civil Procedure” and a court’s  
 9 “discretion should be exercised in favor of allowing a surreply only where a valid reason for such  
 10 additional briefing exists”) (internal quotations omitted).

11 Because Plaintiff would not stipulate to allow Defendants to file a reply brief with five  
 12 additional pages, and in light of the imminent deadline for Defendants’ reply brief, Defendants  
 13 make this request as an administrative motion under Local Rule 7-11. Defendants request that  
 14 this motion be granted so that Defendants can address the myriad issues raised in Plaintiff’s  
 15 Opposition.

16  
 17 Dated: April 28, 2017

JENNIFER LEE TAYLOR  
 STACEY M. SPRENKEL  
 JOYCE LIOU  
 AMANDA D. PHILLIPS  
 MORRISON & FOERSTER LLP

20 By: /s/ Jennifer Lee Taylor  
 21 JENNIFER LEE TAYLOR

22 Attorneys for Defendants and  
 23 Counterclaimant  
 24 UBIQUITI NETWORKS, INC. and  
 25 CHING-HAN TSAI  
 26  
 27  
 28